



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,585	09/28/2001	Toyoji Ikezawa	214607US2	2408

22850 7590 12/16/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/964,585	Applicant(s) IKEZAWA ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/2005, has been entered.

Claim Status

Claims 21-37 are pending. Claims 1-20 have been canceled. Claims 21-37 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 21 recites "predicting a demand quantity of a product to be sold, by adding up maturity stages that have been achieved in said updated database." The specification does not include a clear and concise description of the manner and process of making a software product capable of "predicting a demand quantity of a product to be sold by adding up maturity stages that have been achieved." In fact,

Art Unit: 2161

the specification includes no reference to “adding up maturity stages” such that demand for a product can be predicted. The specification includes nine maturity stages, i.e., 1 through 9. Suppose, for sake of arguing that stage 9 has been achieved, applicant claims estimated demand is related to the number 9 (nine) but does not describe in the specification how demand is determined relative to the number 9. However, the following is included in paragraph 193 of the specification:

The processor 4A obtains a value derived by substituting the calculated reduction rate for a predetermined function, thereby determining the demand of products by each group of products having the same product code.

Above specification paragraph 193 does not support above claim limitation. In fact above excerpt from the specification raises more questions, i.e., (1) what is the predetermined function?, and (2) what is a reduction rate?

Claims 23 and 30 include a “predetermined timer.” No support is found in the specification for above claim limitation.

Claims 28 and 35 include language similar to claim 21 and are rejection on the same basis.

Claims 22-27, 29-34, 36 and 37 are rejected for being dependent from a rejected base claim.

Art Rejection Precluded

Claim 23 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Due to examiner’s lack of understanding of the claim language no art rejection is provided in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21, 22, 24-26, 28, 29, 31-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No US 2002/0103731 to Barnard et al (hereafter Barnard) in view of US Pat No 6,820,060 issued to Eisner (hereafter Eisner), as best examiner is able to ascertain.

Claims 21, 28 and 35:

Barnard discloses:

storing in a database [playbook 70, Fig 1, paragraph 34] information relative to each of a plurality of predetermined maturity stages of a sales transaction [P1 Assessment, Table 4] with a specific customer [paragraph 37], said maturity stages corresponding to intermediate goals set for achieving the sales transaction

Art Unit: 2161

retrieving maturity items included in said information from said database, said maturity items corresponding to one of said plurality of predetermined maturity stages that should be achieved next according to a predetermined order; [team members 64, Fig 1, paragraph 42]

displaying said retrieved maturity items on a predetermined displaying unit [playbook summary view 400, Fig 4, paragraph 43]

inputting presence or absence of achievement of said display maturity items via an input device [Fig 4, 438, Fig 5, 474]

updating said database to store information representing that said maturity stage has been achieved, when achievements are input for all maturity items corresponding to said maturity stage [Fig 1, 70, paragraphs 34 and 37]

Barnard discloses the essential elements of the claimed invention as noted above but does not disclose predicting a demand quantity of a product to be sold by adding up maturity stages that have been achieved in said updated database.¹ Eisner discloses predicting a demand quantity of a product to be sold based on maturity stages [Fig 2, col 7, lines 55-65, Tables 1, 2 and 5]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard to include predicting a demand quantity of a product to be sold as taught by Eisner for the purpose of analytically predicting the probability of closing a sale [abstract].

Claims 22, 29 and 36:

The combination of Barnard and Eisner discloses the elements of claim 21 as noted above and furthermore, discloses said information relative to said plurality of predetermined maturity stages includes a scheduled stage completion date and in said updating step, in a case where said database has not been updated to store achievement maturity stage even after the scheduled stage completion date passes,

¹ claim limitation “by adding up maturity stages that have been achieved in said updated database” is not given patentable weight due to lack of written description in the specification.

Art Unit: 2161

information indicative of a delay is stored in said database in association with said maturity stage [Eisner, col 12, lines 42-50].

Claims 24 and 31:

The combination of Barnard and Eisner discloses the elements of claim 21 as noted above and furthermore, discloses said database further stored information and said customer information includes a position title of a persona in charge [Eisner, col 5, lines 30-35]

Claims 25, 32 and 37:

The combination of Barnard and Eisner discloses the elements of claim 21 as noted above and furthermore, Barnard discloses:

- (1) a customer connection making stage [customer service offering assessment P11, Table 4]
- (2) a customer relations making stage [workshop phase P117, Table 4, initiate discussions, paragraph 57]
- (3) a customer research stage [customer business assessment P111, Table 4, complete review of client's processes, paragraph 56],
- (4) a customer attraction stage [pre-sales phase 100, Fig 3, paragraph 54],
- (5) a product research stage [customer business assessment P111, definition of integrated customer solution, paragraph 56]
- (6) an issue resolution stage [workshop phase P117, Table 4, overview of customer solution paragraph 57]
- (7) a formal proposal stage [proposal and contract P13, Table 4]
- (8) a problem resolution stage [cost proposal P131, Table 4, review draft with team members, paragraph 68]
- (9) a contract forming stage [P133 customer contract, Table 4, paragraph 69]

Claims 26 and 33:

The combination of Barnard and Eisner discloses the elements of claim 21 as noted above and furthermore discloses information representing a specific content of an activity for achieving a maturity

Art Unit: 2161

stage and a scheduled performance data on which said activity is to be performed, information representing a scheduled stage completion date for a maturity stage, maturity items for determining whether a maturity stage has been achieved and information representing whether each of said plurality of predetermined maturity items has been achieved [Eisner, Tables 1 and 2, col 5, lines 30-35]

Claims 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Barnard and Eisner and further in view of Pub No Us 2003/0107587 issued to Maritzen et al (hereafter Maritzen), as best examiner is able to ascertain.

Claims 27 and 34

The combination of Barnard and Eisner discloses the elements of claim 21 as noted above but does not disclose a plurality of flags. Maritzen discloses a plurality of flags [Fig 2, paragraph 35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include a combination of flags as taught by Maritzen for the purpose of providing an easily recognizable indication of the attainment of a stage of a project.

Response to Arguments

Applicant's arguments filed 9/14/2005 with respect to claims 21-37 have been fully considered but are now moot based on above new art rejection necessitated by applicant's claim amendments.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

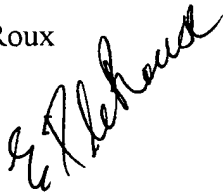
Art Unit: 2161

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

12/13/2005

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the typed name and date.